

EXHIBIT 12

National Board of Medical Examiners
3750 Market Street
Philadelphia, PA 19104-3102
215.590.9500

December 15, 2005

RE: USMLE Step 2 CS and CK
USMLE ID # 0-631-475-1

Dear USMLE Disability Services:

In response to your letter dated July 15, 2005 where a preliminary review was made of my request for test accommodations for USMLE Step 2 Clinical Skills (CS) and Step 2 Clinical Knowledge (CK) I have provided the additional documentation you requested. I have submitted statements from my fiancé, a friend for who I attended High School as well as Undergraduate education. I have also included recent statements from a Psychiatrist treating me for Depression, Anxiety and adult ADHD in New York, as well as a Psychologist that I am seeing concurrently for the same diagnoses. Both the Psychiatrist and Psychologist both independently agree that there are more than enough psychological tests to document the above diagnoses and to prove a legitimate disability.

I have made considerable efforts to accommodate you with the childhood records you requested and have been communicating with Lucia Wallace the records person from Middle School 210 in Queens, New York (tel. 718.845.5942). Unfortunately at this time my records have not been found from K-6 grade. I have asked her to provide this in writing to your committee. I have provided you with documentation in the way of standardized tests from sixth grade, and HS records that were pertinent to demonstrate problems with impulsivity and other features of ADHD. As a child I was not formerly diagnosed with ADHD, but there is evidence that it has been present all my life. It is not unusual for the diagnosis to be made in the adult years, and is very often accompanied by Depression and Anxiety for which I have also been diagnosed. Therefore, I am including the diagnosis of Depression and Anxiety in my accommodation request along with ADHD. I believe they are all contributing factors in explaining the academic difficulties that I have experienced for most of my life. I have no more documentation to offer you, both professionals that are treating me feel that enough recent psychological batteries have been conducted to validate this disability request. At this time I have asked Maria Fuentes to re-submit the additional documentation upon receipt of this statement.

Sincerely, I remain


Richard D. Katz

RECEIVED

DEC 15 2005

Disability Services

[Incoming Phone Contact - Maria L. Fuentes - July 25, 2005]

He called with questions re: IDOCs. He said he submitted high school documents. He said he called his grade school and he said for K - 6th grade they have none in file anymore. They referred him to his junior h.s. He said he will have to physically go to the junior high because it is summer time and there is hardly anybody picking up the phones. He will try his best , hopefully they will be able to provide him his grades. He said he will ask his fiance and a friend to write letters of support.

He also said that he cannot afford to go through and submit another evaluation for anxiety and depression. He said evaluation for these disabilities and ADHD were included in the evaluation report that was submitted.

[Incoming Phone Contact - Maria L. Fuentes - August 01, 2005]

He called to tell me that he will be able to fax his letters from his fiancée and a friend. But his Junior HS reports will not be coming until after the 6th of September because the school is closed for the summer. He was concerned about his EP, and so I explained to go ahead and send me the letters and if/when his EP is close to ending, we can change his EP to the next month.

[Outgoing Phone Contact - Maria L. Fuentes - November 01, 2005]

I left a message wondering if he was able to obtain records from K-6th grade. I also asked him to clarify that he is removing Depression and Anxiety as disorder in his application for TA. I also need to know if he is sending a letter from NY Hospital. He mentioned this on 9/29 (See TARA Note in Step 2 CK).

[Incoming Phone Contact - Maria L. Fuentes - November 01, 2005
he returned my call. He said he exhausted all means to obtain his school records. He said he can not obtain them. But he said he will see his Psychologist this Saturday and will talk to him about his depression and anxiety. He is also not sure if there will be a letter from NY Hospital coming. He said he will let me know if he will claim anxiety and depression.

[Incoming Phone Contact - Maria L. Fuentes - November 17, 2005]

Richard left a message in my voice mail. He said his evaluator said that psychological testing was done already from St. John and that not much he can do in validating his diagnosis of ADHD. He also said that if he wants to take more neuropsych testing, the insurance will not cover it. So he will not be able to undergo anymore testings. As far as depression and anxiety, he said that will be faxed to us by early next week including a letter from NY Hospital. He said he has no other documents regarding his childhood, everything is lost. He wants me to call him at (718) 974-3718 if I have any questions. He said his file should be complete by next week before Thanksgiving, and should be ready to submit for review.

[Incoming Phone Contact - Maria L. Fuentes - November 28, 2005]

Dr. Katz called following up on his file. I said that I received his vm last 11/17 and according to his vm I am to receive a fax from NY Hospital. I said the last documents that we have was received on 9/29, a letter from him, Grisel Rodriguez, Devon Foster, and CAP Achievement Series. He said there will be two more letters coming: Dr. Kreditor, treating physician for depression affiliated with NY Hospital; and Dr. Holtz, Psychologist. He said there will be no other documents after those two because he has no other childhood documents. I said, I will call him as soon as I received the last of the two letters and will ask him to send me a short note saying that there are no documents coming and to submit his file for review.

[Outgoing Phone Contact - Maria L. Fuentes - November 30, 2005]

Left a message informing him that the letters from Dr. Kreditor and Dr. Holtz are in. From the last conversation with him, I said I will ask him to send me a short note indicating that there are no other documents coming in and to submit his file for review. I also asked him to clarify if he is including depression and anxiety because he mentioned in his letter dated 8/30 that he is attempting to validate a diagnosis of ADHD as the primary disability. He mentioned in the letter that he does not have the financial resources to take further testing for depression and anxiety.

[Outgoing Phone Contact - Maria L. Fuentes - December 05, 2005]

I spoke with him. He said he was just about to call me. He said he searched high and low for his childhood records but they are gone. He said the "Record Lady" named Lucia from his junior high school will send me a letter to that effect. He said at least a letter from her explaining his situation might help. Then I asked him to send me a letter saying that there are no more documents coming in. I also asked him to clarify that he is including depression and anxiety as claimed disorders although he could not go through further testings due to financial resources. He also said that the letter from his psychologist indicated that no further testing is necessary.

[Outgoing Phone Contact - Maria L. Fuentes - December 12, 2005]

I left a message just informing him that we have not received any letter from "Lucia". I reminded him that his EP will expire at the end of the month. If he wants me to submit his file without Lucia's letter, I asked that he send me a letter and also to clarify that he is including depressiona and anxiety even without comprehensive eval because of financial reasons.

[Incoming Phone Contact - Maria L. Fuentes - December 15, 2005]

He called asking for my email address. I gave him our shared DS email address. Then he asked if the letter from Lucia came in yesterday. I said no and nothing today neither. He said he is sending a letter via email to me and asked me to wait up to the end of today for Lucia's letter. He will call her again. If we do not receive her letter by the end of today, he asked that I submit his file for review tomorrow.

[Incoming Email Notation - Maria L. Fuentes - December 15, 2005]
From: RICHARD KATZ [mailto:cat2400@msn.com]
Sent: Thursday, December 15, 2005 10:08 AM
To: disabilityservices
Cc: cat2400@msn.com
Subject: ATT: Maria Fuentes Disability Coordinator

Dear Maria:

Here is the final document requesting submission of my file to the NBME
committe for accomodation.

Thanks for all your help!

Richard Katz

[Outgoing Email Notation - Maria L. Fuentes - December 15, 2005]

From: disabilityservices

Sent: Thursday, December 15, 2005 11:03 AM

To: 'RICHARD KATZ'

Subject: RE: Maria Fuentes Disability Coordinator

Dear Mr. Katz,

Thank you for your letter. As we have agreed, I will wait for Ms. Lucia's letter up to the end of business day today. Whether she sends her letter or not, you have instructed me to submit your file for review tomorrow.

Please feel free to call if you have any questions.

Sincerely,
Maria Fuentes

[Incoming Phone Contact - Maria L. Fuentes - March 08, 2006]

He left a message asking about the status of his request. He said he sent in his documents months ago.

[Outgoing Phone Contact - Maria L. Fuentes - March 09, 2006]

I returned his call but left a message. I said that we are at the final stages and to feel free to call me if he has any other questions.



Disability Rights *online* News

U.S. Department of Justice
Civil Rights Division

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Disability Rights Online News

is a bi-monthly update about the Civil Rights Division's activities in the area of disability rights. The Division enforces laws prohibiting discrimination based on disability in employment, housing, access to businesses serving the public, access to government programs and services including voting and public transportation, and unconstitutional conditions in institutions of confinement.

In this Issue:

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MEDICAL LICENSING BOARD TO PROVIDE TESTING ACCOMMODATIONS FOR APPLICANTS WITH DISABILITIES

On February 23, 2011, the National Board of Medical Examiners, which administers the standardized test required to obtain a license to practice medicine in the United States, entered into a settlement agreement with the Department resolving a complaint by a Yale University Medical School student who was twice refused the accommodations he requested because of his disability, dyslexia. The Board agreed to provide reasonable testing accommodations to people with disabilities when taking the U.S. Medical Licensing Examination and agreed to grant the complainant the accommodations he needs double the standard testing time and a separate testing area to take the test.

"In the past, demands for unnecessary or redundant documentation, burdensome and expensive repeated professional evaluations, or irrelevant evaluative testing unrelated to the ability to demonstrate one's knowledge or skills on an examination prevented individuals with appropriately documented disabilities from pursuing their chosen professions," said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. "By entering into this agreement, NBME is doing its part to ensure that people with a reading disability like Mr. Romberg will have the opportunity to take the USMLE with the reasonable testing accommodations they need to demonstrate their knowledge and ability."